



TOWN OF HUDSON

Planning Board



Vincent Russo, Chairman

Rick Maddox, Selectmen Liaison

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HUDSON PLANNING BOARD WORKSHOP MEETING MINUTES December 7, 2011

I. CALL TO ORDER

Chairman Russo called this Planning Board meeting to order at 7:09 p.m. on Wednesday, December 7, 2011, in the Community Development meeting room in the Hudson Town Hall basement.

II. PLEDGE OF ALLEGIANCE

Chairman Russo asked Mr. van der Veen to lead the assembly in pledging allegiance to the Flag of the United States of America.

III. ROLL CALL

Chairman Russo asked Secretary van der Veen to call the roll. Those persons present, along with various applicants, representatives, and interested citizens, were as follows:

Members

Present: Glenn Della-Monica, Tim Malley, Vincent Russo, Ed van der Veen, and Richard Maddox (Selectmen's Representative), and James Barnes (arrived at 7:34 p.m.)

Members

Absent: George Hall (excused).

Alternates

Present: Irene Merrill and Stuart Schneiderman, and Jordan Ulery arrived at 7:25 p.m.).

Alternates

Absent: Roger Coutu (Selectmen's Representative Alternate, excused).

Staff

Present: Town Planner John Cashell.

Recorder: J. Bradford Seabury.

IV. SEATING OF ALTERNATES AND ANNOUNCEMENTS

Chairman Russo started to address other matters, but Ms. Merrill called a point of order, noting that no alternate had been seated. Chairman Russo seated Ms. Merrill in place of the absent Mr. Hall and seated Mr. Schneiderman in place of the absent Mr. Barnes.

V. CORRESPONDENCE

Chairman Russo stated that the item of correspondence received in tonight's handouts would be taken up at the end of the meeting.

VI. PERFORMANCE SURETIES

**A. Hilltop Estates (Catalpa Drive) Map 178, Lot 7
Street Acceptance/2-year Maintenance Surety**

Purpose: To establish 2-year Maintenance Surety. Deferred Date Specific from the 11/02/11 Workshop/Meeting.

Chairman Russo read aloud the published notice, as repeated above.

Town Planner Cashell said he had nothing to add to his staff report at this time.

Chairman Russo asked if everything were in order; Town Planner Cashell responded in the affirmative, providing details as to what had been paid.

Ms. Merrill asked if this were a site which the Town's employees had been going to take over—and, if so, if that cost were included. Town Planner Cashell referenced Page 3 of his staff report, noting that Town Engineer Webster's hours and his own hours were included, along with the total costs of Town Counsel with respect to this matter. Chairman Russo noted that he would prefer to see hourly costs, saying the given figures seemed light.

Selectman Maddox said this was a good learning experience, saying the Planning Board needed to keep its eye on how much reduction it was applying to bonds in the future, to ensure they were leaving sufficient funds to cover management of the project.

Mr. Malley moved to establish a 2-year maintenance surety for Catalpa Drive in the amount of \$7,978.85, which represented the remaining surety funds associated with the

Catalpa Drive Subdivision (also known as Hilltop Estates Subdivision), off Kimball Hill Road, Map 178/Lot 007.

Mr. van der Veen seconded the motion.

VOTE: No further comment being brought forward, Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7-0).

VII. OLD BUSINESS/PUBLIC HEARINGS

No **Old Business/Public Hearings** items were addressed this evening.

VIII. WORKSHOP

A. Review the New Hampshire Department of Transportation (DOT) Road Safety Audit for the Dracut Road/Sherburne Road Intersection.

Chairman Russo read aloud the published notice, as repeated above.

Town Planner Cashell said his staff report had been put together to provide information to the Board members, noting that this was considered a critical intersection. He commented on details in his report, noting that this work was in the purview of the Board of Selectmen.

Mr. Della-Monica asked if there had been any thought given to reclassifying Sherburne Road, to make it an urban collector road rather than a local road. Town Planner Cashell said its very nature was a collector road, but it was not yet classified that way.

Mr. van der Veen asked if a signal light were required for the intersection of two collector roads. Town Planner Cashell responded that there were multiple factors involved in determining whether a signal light was warranted at any intersection.

Mr. van der Veen asked if the adjoining driveway had been responsible for the large number of accidents. Town Planner Cashell said he thought it was involved, commenting that the driveway was offset, but drivers not paying attention might make a mistake. Mr. van der Veen asked if most of the accidents had come from running the Stop sign; Mr. Cashell referenced Page 5, noting that there were accidents every day of the week under all kinds of weather conditions. He noted that the review team had noted excessive speed for northbound traffic on Dracut Road.

Mr. Ulery arrived at 7:25 p.m. and took his seat at the table as a nonvoting alternate.

Town Planner Cashell expressed a belief that the east-west traffic flow on Sherburne Road was rare in the State of New Hampshire.

Selectman Maddox expressed appreciation for the full report; he suggested that the Board members should keep in mind that this intersection had to be corrected at some point in the future. Members of the Board discussed the possibility of recommending a roundabout for that intersection.

Mr. Ulery asked if anyone had contacted the Dracut administration about this. Town Planner Cashell noted that the state line was actually 1,000 feet south of the intersection.

B. Review the Nashua Regional Planning Commission Report: A Roadmap to Understanding Transportation in Your Community.

Chairman Russo read aloud the published notice, as repeated above.

Town Planner Cashell noted that there were no issues or pending matters for Workshop meetings at this time, so he had scheduled the review of petitioned articles for next week's meeting. He said this particular NRPC document provided information for understanding traffic issues, saying it was a good reference source. He listed some of the things covered in the report, providing additional information about the determination of level of service (LOS) for intersections,

Mr. Barnes arrived at 7:34 p.m. and took his regular seat at the table, although not yet recognized by the chairman.

Town Planner Cashell continued to review the NRPC report, saying traffic engineers and planners had put a lot of thought and effort into the standardization of traffic signs and symbols, and he reviewed the five basic requirements. He noted that the report ended with a good description as to what constituted a highway, an arterial road, a collector road, and a local road. Commenting on the discussion of rotaries and roundabouts, he noted that rotaries had become out of favor in this country because of accidents stemming from high speed, but Utah's implementation of roundabouts had created new interest—with the State of New York, for instance, requiring that roundabouts be considered for all new intersections. He noted that bicycle and pedestrian traffic always should be considered for all roadway designs, adding that the final chapter had to do with nodal development for plan alternatives.

Mr. Ulery said the State of New Hampshire was a signator to RSA 43:17, saying judges would discount STOP signs that did not conform to the standard.

Town Planner Cashell displayed some of the illustrations in the report, providing additional details for some. He noted that speed of travel along these roadways was determined by the 85th percentile of traffic. Mr. Barnes recalled how the traffic analysis for the filling station on Lowell Road had shown that zero percent were conforming with the speed limit.

Mr. Ulery said the Town of Portsmouth had enacted its own speed limits, saying there were actually two sets of speed parameters in New Hampshire—one for the State roads and the other for the Federal roads.

Selectman Maddox said the members of the Board needed to keep this information in their mind as a resource. Selectman Maddox commented on upcoming work to redo the traffic lights around Library Park, adding that they were working with Nashua officials.

Mr. Ulery asked if the proposed signal would include the cost of transmission line to provide speed information to the NH-DOT. Selectman Maddox said he had not heard of this but it could be looked into.

Town Planner Cashell said there was a massive housing development being planned for the Nashua side of the river. He then commented on the discussion of HOV on the last page of the report, explaining the meaning and history of the HOV symbol. He noted that additional information could be obtained at NRPC.org, the NRPC's Website, saying there was an incredible amount of information available on that site.

Chairman Russo recognized Mr. Barnes at this time and said he would be seated at this point, with Mr. Schneiderman returning to his normal position as a nonvoting alternate.

**C. Review the Nashua Regional Planning Commission Report:
Fundamentals of Plan Review Definitions and Symbols.**

Chairman Russo read aloud the published notice, as repeated above.

Town Planner Cashell said this was a rare opportunity for the Board members to learn about these things. He noted that a page that had been left out in the copying process had been provided in the members' handout packet. He discussed the meaning of the abbreviations and symbols used, noting that additional information could be obtained on the Internet. He said this report was another great reference point, recommending that the members of the Board keep these things in an easily referenced notebook, and he commented on the usefulness of knowing what these terms meant, such as the details involved in determination of slope.

Chairman Russo expressed a belief that much of this was good information that would be helpful to members of the Board.

Mr. Della-Monica noted that many people had erroneous ideas about slope, especially when expressed in degrees.

Selectman Maddox suggested that these reports should be included in packets supplied to new members who might be appointed to the Board—and also to members of the Zoning Board of Adjustment and the Conservation Commission.

Town Planner Cashell expressed a hope that he could provide similar workshop matters in the future.

Mr. Della-Monica said the provided information was a fairly small subset of all the existing abbreviations, saying Town Planner Cashell might want to find a copy of the full list for reference.

IX. OTHER BUSINESS

Town Planner Cashell noted that a copy of an invitation to a site walk had been provided in the member's handout packet. Selectman Maddox said it would be good to do this at this time of the year, when there were no mosquitoes.

Mr. J. Bradford Seabury, chairman of the Zoning Board of Adjustment, expressed a hope that the Planning Board would set a date for the discussed sitewalk, hopefully before the ground became covered with snow—explaining that he intended to ask the members of the Zoning Board of Adjustment to participate at the same time.

Chairman Russo noted that the members of the Board had not seen any plans for the proposed development. Selectman Maddox asked if the Conservation Commission had seen plans. Town Planner Cashell said that the Conservation Commission had seen plans, but that he believed a new set of plans was in process. Chairman Russo expressed a preference for having some information in front of him before traipsing on the ground, saying he was sure the opportunity would come up when the engineer brought the plan before the Board. He then expressed a hope that all members of the Board would participate in such a sitewalk, recalling the impacts that had been proposed the last time this property was proposed for development. He commented that snow was not the worst thing to walk through.

Chairman Russo noted that copies of four notifications to residents about auxiliary living units (ALUs) had been provided in the handout packet.

Mr. Ulery referenced 334-73 (4), saying it indicated that the unit expired when an ALU was purchased. He said it seemed that it would be more efficient to notify the assessment board rather than the ZBA, as people purchased the property in order to put family members in, and he expressed a belief that this process seemed backward. Mr. Barnes said he understood the intent of the ordinance was to make it temporary. Mr. Ulery contended that people purchased such homes because there was an apartment over the garage. Chairman Russo stated that, once the approval was there and money had been expended, he questioned why a subsequent owner would tear down that work, but this was not the desire of the Town at this time. Mr. Ulery said he was just looking at the paperwork involved. Chairman Russo noted this was a Special Exception.

Town Planner Cashell pointed out that it was usually the case that, once in, such units stayed, as it was almost impossible for the Town to monitor these things and realtor agents would do everything they could to sell these units. He said the fact was that duplexes were allowed in most of the Town—in well over four fifths of the land mass of the Town.

Selectman Maddox asked if the ZBA put this restriction on the deeds. Mr. Seabury said the ZBA filed the decision sheets granting the special exception at the Registry of Deeds.

Chairman Russo said this was a notification process, suggesting that Mr. Ulery might want to consider changing the ordinance—but he recalled the adage: “If it’s not broken, don’t fix it.” Selectman Maddox said the mechanism was already there.

Mr. Malley asked what happened when that letter went out and was ignored. Selectman Maddox said he did not know but would find out. Mr. Malley questioned what it accomplished. Mr. Seabury pointed out that ignoring the letter would mean that the ALU unit was a violation of the Zoning Ordinance, subject to a fine of \$275 per day.

Chairman Russo asked what had initiated this notification process. Mr. Seabury said these letters were initiated when the Town Assessor became aware that a residential property for which an ALU had been granted was subsequently sold.

Mr. Della-Monica noted that the ALU permission was given to resolve a particular situation, not because a unit existed.

Mr. Ulery contended that this limited the property for resale, actually lowering its value and reducing the tax revenue to the town, but the owner would be paying a higher price because of the unit. He contended this did not make sense. Mr. Della-Monica said it would make sense if the Town changed the requirements for an ALU.

Mr. van der Veen commented that Mr. Ulery was saying they were getting nothing, but they were buying square footage, which had a value. Mr. Ulery contended that this was forcing someone into violating the law, adding that it seemed to be a waste of resources.

Chairman Russo asked whether, if a person who bought such a home was not using the ALU unit as an ALU, did they get a reduction. Mr. Seabury responded that a home for which an ALU was granted subsequently was taxed as a duplex. He added that he knew of a few cases in which an ALU had been taken away, and he presumed those homeowners then went to the Town Assessor and requested that the taxes be reduced. Chairman Russo suggested this was something that should be included in the notification letter. Mr. Seabury expressed agreement.

Town Planner Cashell said the Planning Board did not get that familiar with this, as it was a zoning issue. He referenced HTC §334-73.1 through HTC §334-73.8, noting that many debates had been involved in the adoption and subsequent revisions of this ordinance. He noted that other towns did not have as good a process to inventory and control this issue. He reviewed requirements of the ALU from the ordinance, saying the Assessing Department had the units identified and tried to inform realtors who asked what the conditions were, but this did not keep a realtor from advertising the property and selling it as an available in-law apartment.

Mr. Malley asked what happened when a new owner got this notification. Chairman Russo said the new owner would have to apply for an ALU, noting there was a significant application fee. He again suggested that the notification letter should clarify this—or suggest that the new owner talk to the Assessing department to get the taxes lowered.

Mr. Seabury noted that there had been several cases in which someone was granted an ALU so that their son or daughter and family could live with them—and then

later the home was sold to the son or daughter, with the original owners thus becoming the residents of the ALU; he said the Zoning Board of Adjustment had arranged it so that this was handled without any fees. He suggested that the situation became a problem when the original owners sold the property to someone else, and the new owner thought he/she/they had purchased a house with a rental unit in it.

Chairman Russo asked, when people applied for an ALU, was it customary to allow them to have a second service meter put on the home. Mr. Seabury answered in the negative, saying one of the requirements was that there would be only one heating/metering system, saying this was built into the ordinance.

Mr. Della-Monica asked if applicants were required to identify who would live in the ALU. Mr. Seabury answered in the affirmative, saying part of the application required a letter identifying who would live in the ALU.

Town Planner Cashell noted that many people wanted to build additional rental units, and this ordinance was designed to accommodate the real need without allowing that to happen, keeping a lid on the duplex problem. He noted that there was a process to convert a single-family house into a duplex.

Selectman Maddox said Hudson had wanted to help extended families, without having every other house in the town have a rental apartment in it. He expressed a belief that this was not terribly burdensome. Chairman Russo noted that allowing rental units could lead to noise problems and other issues, saying there was a purpose to the mechanism. Town Planner Cashell noted that this had become a real problem in some communities.

Mr. Ulery noted that there was one very prominent house in his area, very visible and with a distinct architecture, that had more than one family in it and had done so for a long time. Chairman Russo suggested it might have been created before the ordinance was.

Chairman Russo noted that a schedule for the Planning Board meetings for next year had been provided, along with a contact list for all members, including their E-mail address.

Chairman Russo noted there were minutes to be reviewed, but they were not on the list for this evening.

Town Planner Cashell said he had read in a newspaper about a community that had purchased iPads for the Selectmen, and had already projected a cost savings that would pay for the iPads within six months.

Chairman Russo asked if the Board would like to entertain the idea of going paperless. Selectman Maddox suggested that this idea be deferred until he and Town Planner Cashell had discussed this with IT.

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Mr. Ulery noted that the State had saved a considerable amount of money by sending the calendar out by E-mail. Selectman Maddox noted that NRPC sent out the agendas electronically, and it was easier to view them, but it put a burden on the volunteer citizens who did not have computers. Ms. Merrill noted that she did not have a laptop and she did not think the Town should buy one for her. Chairman Russo explained that he was talking about having a machine here at the members' chairs for them to use.

Mr. Della-Monica noted that outlets would have to be added to the meeting room desks. Selectman Maddox said they were already in place.

Ms. Merrill asked if this would be done for everyone; Chairman Russo said his concern was this land-use board. Ms. Merrill stated that the last company she had worked for had gone paperless, but it had not worked out.

Mr. Barnes said less paper would be used after a while if the material was available electronically. He noted that the Board required the engineers and developers to come in with their big-size plans, asking if that should be reconsidered. Town Planner Cashell noted that none of the engineers and developers wanted to be involved in electronic presentation, saying he offered the capability but they resisted.

Chairman Russo said the Board seemed more receptive than in the past, so maybe IT should be asked to consider this. Ms. Merrill predicted that the Town would have to add four more people to the IT group if this were done.

Selectman Maddox said there were a number of hurdles, pointing out as an example that Town Planner Cashell had not been able to get the display system to work earlier in the evening.

X ADJOURNMENT

All scheduled items having been addressed, Selectman Maddox moved to adjourn; Mr. Barnes seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor.

Chairman Russo then declared the meeting to be adjourned at 8:55 p.m.

Date: December 14, 2011

Vincent Russo, Chairman

J. Bradford Seabury, Recorder

Edward van der Veen, Secretary

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**HUDSON PLANNING BOARD Workshop Meeting Minutes
December 7, 2011**

Page 10

The following changes were made in accordance with the Board's review of these minutes at its 01-04-12 meeting:

Page 4, 3rd paragraph from bottom — changed designation of "RSA 43-17" to correct designation of 'RSA 43:17.'

Page 9, 2nd paragraph from top—corrected misspelling of "meeting."